

AUG 22 2012  
US DISTRICT COURT  
WESTERN DISTRICT OF NC

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CRIMINAL NO.: 3:12cr109-MOC

UNITED STATES OF AMERICA, )  
v. ) CONSENT ORDER AND  
 ) JUDGMENT OF FORFEITURE  
 ) PENDING RULE 32.2(c)(2)  
(2) ROBERTA KENNEDY, )

BASED UPON the Defendant's plea of guilty and finding that there is a nexus between the property listed below and the offense(s) to which the Defendant has pled guilty and that the Defendant (or any combination of Defendants in this case) has or had a possessory interest or other legal interest in the property, IT IS HEREBY ORDERED THAT:

1. The following property is forfeited to the United States pursuant to 21 U.S.C. § 853 and/or 28 U.S.C. § 2461(c), provided, however, that forfeiture of specific assets is subject to any and all third party petitions under 21 U.S.C. § 853(n), pending final adjudication herein:

- One RTS model 1966, .22 caliber revolver, bearing no serial number and ammunition;
- One FIE Corporation, model Titan, .25 caliber pistol, serial number D883854 and ammunition;
- One Charter Arms, model Undercover, .38 caliber SPL revolver, serial number 550305 and ammunition;
- One H&R model 622, .22 LR revolver, serial number AU058091 and ammunition;
- One Smith and Wesson, model 66-3, .357 magnum revolver, serial number BBZ9223 and ammunition;
- One Farizmendly-Gofnaga Fibar, model Pistolet Automatique Ideal, .32 caliber pistol, serial number 37120 and ammunition;
- One RG, model RG14S, .22 caliber long rifle, serial number Z059796 and ammunition; and
- Approximately \$1,885 in United States currency.  
*\$ 50.00 cse gfm RK*

2. The United States Marshals Service, the investigative agency, and/or the agency contractor is authorized to take possession and maintain custody of the above specific asset(s).

3. If and to the extent required by Fed. R. Crim. P. 32.2(b)(6), 21 U.S.C. § 853(n), and/or other applicable law, the United States shall publish notice and provide direct written notice of forfeiture.

4. Any person, other than the Defendant, asserting any legal interest in the property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of the alleged interest.

5. Pursuant to Fed. R. Crim. P. 32.2(b)(3), upon entry of this order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of the property, including depositions, interrogatories, and request for production of documents, and to issue subpoenas pursuant to Fed. R. Civ. P. 45.

6. As to any specific assets, following the Court's disposition of all timely petitions, a final order of forfeiture shall be entered. If no third party files a timely petition, this order shall become the final order of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2), and the United States shall have clear title to the property, and shall dispose of the property according to law.

The parties stipulate and agree that the aforementioned asset(s) constitute property derived from or traceable to proceeds of Defendant's crime(s) herein or property used in any manner to facilitate the commission of such offense(s) and are therefore subject to forfeiture pursuant to 21 U.S.C § 853 and/or 28 U.S.C. § 2461(c). The Defendant hereby waives the requirements of Fed. R. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against Defendant. If the Defendant has previously submitted a claim in response to an administrative forfeiture proceeding regarding any of this property, Defendant hereby withdraws that claim. If Defendant has not previously submitted such a claim, Defendant hereby waives all right to do so. As to any firearms listed above and/or in the charging instrument, Defendant consents to destruction by federal, state, or local law enforcement authorities upon such legal process as they , in their sole discretion deem to legally sufficient, and waives any and all right to further notice of such process or such destruction.

ANNE M. TOMPKINS  
UNITED STATES ATTORNEY

*Ann Claire Phillips*  
ANN CLAIRE PHILLIPS, ESQ.  
Assistant United States Attorney

*Roberta Kennedy*  
ROBERTA KENNEDY  
Defendant

*Julia Mimms*  
JULIA MIMMS, ESQ.  
Attorney for Defendant

Signed this the 22<sup>nd</sup> day of August, 2012.

*Dan C. K.*  
UNITED STATES Magistrate JUDGE